

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THOMAS GESUALDI, LOUIS BISIGNANO,	:	
ANTHONY PIROZZI, ANTHONY D'AQUILA,	:	<u>ORDER</u>
MICHAEL O'TOOLE, JOSEPH A. FERRARA,	:	
SR., FRANK H. FINKEL, MARC HERBST,	:	12-CV-514 (WFK) (MDG)
DENISE RICHARDSON, and THOMAS F.	:	
CORBETT, as Trustees and Fiduciaries	:	
of the Local 282 Welfare Trust Fund,	:	
the Local 282 Pension Trust Fund, the	:	
Local 282 Annuity Trust Fund, the	:	
Local 282 Job Training Trust Fund, and	:	
the Local 282 Vacation and Sick Leave	:	
Trust Fund,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	
	:	
FORTUNATA CARTING INC.,	:	
	:	
Defendant.	:	
-----X	:	

WILLIAM F. KUNTZ, II, United States District Judge

This action was filed on February 3, 2012. (Dkt. 1). On April 12, 2012, Plaintiffs brought a motion for default judgment. (Dkt. 7). This Court subsequently granted Plaintiffs' motion and referred the issue of damages to United States Magistrate Judge Marilyn Go for a Report and Recommendation. (Dkt. Entry re: Dkt. 7, entered 5/17/12).

On February 4, 2014, Magistrate Judge Go filed a Report and Recommendation recommending "that the Court award ... judgment against defendant Fortunata Carting Inc. in the amount of \$382,381.41[.]" (Dkt. 24 at 42-43). The Report and Recommendation recounted

the parties' history; analyzed Plaintiffs' damages submissions; calculated the appropriate interest, fees, and costs; and ultimately concluded that Plaintiffs were entitled to \$382,381.41 in damages. (*Id.*). Objections to the Report and Recommendation were required to be filed by February 21, 2014. (*Id.* at 43); Fed. R. Civ. P. 72(b)(2). No objections have been filed and the time to do so has passed.

The Court reviews a Report and Recommendation for clear error when no objections have been filed, *see Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (Garaufis, J.), and we find no such error here. The Court therefore adopts the Decision of Magistrate Judge Go in its entirety. Accordingly, it is hereby ordered that Plaintiffs be awarded damages in accordance with the Report and Recommendation. (Dkt. 24).

The Clerk of Court is directed to enter judgment in the amount of \$382,381.41 as well as interest at a daily rate of \$69.05 thereafter until the entry of judgment. The Clerk of Court is further directed to close the matter.

SO ORDERED.

s/WFK

HON. WILLIAM F. KUNTZ, II.

United States District Judge

Dated: March 25, 2014

Brooklyn, New York